



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Ordinance No. 1773 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 17 – Zoning – Chapter 17.57, 'General Regulations and Exceptions,' by Repealing and Reenacting in its Entirety Section 17.57.180, 'Refuse Container Storage and Collection Areas'"

**MEETING DATE:** March 1, 2006

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1773.

**BACKGROUND INFORMATION:** Ordinance No. 1773 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 17 – Zoning – Chapter 17.57, 'General Regulations and Exceptions,' by Repealing and Reenacting in its Entirety Section 17.57.1 **80**, 'Refuse Container Storage and Collection Areas'" was introduced at the regular City Council meeting of February 15, 2006.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

  
Susan J. Blackston  
City Clerk

SJB/JMP  
Attachments

**APPROVED:**   
Blair King, City Manager

ORDINANCE NO. 1773

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
AMENDING LODI MUNICIPAL CODE TITLE 17 – ZONING –  
CHAPTER 17.57, “GENERAL REGULATIONS AND EXCEPTIONS,”  
BY REPEALING AND REENACTING IN ITS ENTIRETY  
SECTION 17.57.180, “REFUSE CONTAINER STORAGE AND  
COLLECTION AREAS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 17 – Zoning – Chapter 17.57, “General Regulations and Exceptions,” Section 17.57.180, “Refuse Container Storage and Collection Areas,” is hereby repealed and reenacted in its entirety and shall read as follows:

The following regulations shall apply to the garbage, refuse, and recycling facilities on residential and commercial properties. Placement of such facilities within the public right-of-way is governed by Chapter 12.04 and Chapter 17.57.180 of this code.

- A. Roll-away and Portable Containers. All roll-away and other portable containers must be kept out of view from the public right-of-ways, excluding alleys, and may not be stored within the front yard setback.
- B. Dumpster Bins. All dumpster bin storage and refuse collection areas shall be screened from public view by a concrete block or masonry wall or in such a manner so that it is not visible from abutting public right-of-ways, excluding alleys. All storage and collection areas and enclosures shall be maintained in a sanitary condition and walls, roof coverings and doors to enclosures must be maintained in good condition and must be in working order.
- C. Exceptions. The following exceptions pertain to both commercial and residential garbage, refuse, and recycling facilities:
  - 1. Garbage, refuse, and recycling storage containers can be placed out for collection, from 5 p.m. the day before garbage collection to 8 p.m. the day of garbage collection, in accordance with the requirements of the garbage collector. Residential customers shall place their containers within the frontage of their own property unless otherwise approved by the Public Works Director.
  - 2. Rented containers and dumpster bins can be placed in public view on private property for the duration of the special project, remodeling, or construction project, or special event for which they are being used, but must be maintained in a sanitary condition and removed when filled to prevent overflow and blight.

- D. Violation. Any violation of this section shall be deemed an infraction and shall be subject to all terms and conditions of Lodi Municipal Code Title 1, "General Provisions," Chapter 1.08, "General Penalty."

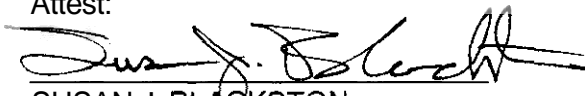
Section 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.


Section 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 4. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 1<sup>st</sup> day of March, 2006

Attest:

  
SUSAN J. BLACKSTON  
City Clerk

  
SUSAN HITCHCOCK  
Mayor

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1773 was introduced at a regular meeting of the City Council of the City of Lodi held February 15, 2006, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held March 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Johnson, Mounce, and  
Mayor Hitchcock

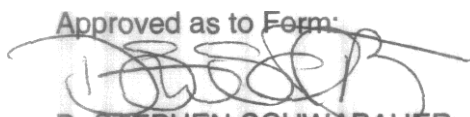
NOES: COUNCIL MEMBERS – None

ABSENT COUNCIL MEMBERS – Hansen

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1773 was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.

  
SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:  
  
D. STEPHEN SCHWABAUER  
City Attorney